

Hearing: August 31, 2017 at 2:00PM
 Location: Portland
 Objection Deadline: August 18, 2017

IN THE UNITED STATES BANKRUPTCY COURT
 DISTRICT OF MAINE

IN RE:)	
)	CHAPTER 11
KITTERY POINT PARTNERS, LLC,)	CASE NO. 17-20316
Debtor.)	
)	
BAYVIEW LOAN SERVICING, LLC, and)	
M&T MORTGAGE CORPORATION,)	
)	
MOVANTS,)	
)	
v.)	
)	
KITTERY POINT PARTNERS, LLC,)	
)	
RESPONDENTS.)	
)	

**BAYVIEW LOAN SERVICING LLC AND M&T MORTGAGE CORPORATION'S
 MOTION FOR AN ORDER DECLARING THAT THE AUTOMATIC STAY DOES NOT
 APPLY TO THE DEBTOR'S PRE-PETITION LAWSUIT OR, ALTERNATIVELY,
FOR RELIEF FROM STAY PURSUANT TO 11 U.S.C. §362**

Bayview Loan Servicing, LLC ("Bayview") and M&T Mortgage Corporation ("M&T" together with Bayview, "Movants"), hereby move this Court for entry of an Order Declaring that the Automatic Stay Does Not Apply to the Debtor's Pre-Petition Lawsuit or, Alternatively, for Relief from Stay Pursuant to 11 U.S.C. §362.

Specifically, Movants request that this Court enter an order declaring that the automatic stay does not apply to the continuation of a pre-petition appeal filed by Kittery Point Partners,

LLC (“Debtor”) to the Maine Supreme Court arising out of a declaratory judgment complaint filed by the Debtor against Movants in the Maine Superior Court on August 3, 2011.

In support of its Motion, Movants submit the attached Memorandum of Law in support thereof. For the reasons set forth therein, Movants respectfully request that this Court enter an order (i) declaring that the Section 362 automatic stay does not apply to the Debtor’s declaratory judgment complaint or the Debtor’s appeal in the Maine Supreme Court, or, in the alternative, (ii) directing that the automatic stay be modified pursuant to Section 362(d)(1) to allow the Debtor’s appeal to proceed to resolution.

Kittery Point Partners, LLC does not consent to this motion.

DATED at Portland, Maine this 4th day of August, 2017.

/s/ Andrew W. Sparks, Esq.
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